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Remarks

Claims 1, 3, 7, 8, 10 through 13, 16 and 21 through 25 stand rejected under 35 USC 112 first paragraph as failing to comply with the written description requirement. In particular, the Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art, at the time the application was filed, that the inventors had possession of the claimed invention. The Examiner refers to the pipe element having a bending angle α which always less than 140 degrees and states that the original disclosure of the instant application fails to support the amended claims. The Applicant respectfully disagrees for the following reasons.

The Examiner's attention is drawn to the specification, page 3, second paragraph, fifth line thereof. In this line, the disclosure refers to an "unbent pipe element" and describes the structure of the undulations in the configuration of a pipe element in unbent form. Clearly the term "unbent" refers to a pipe element which is straight. Within the context of the definition of the angle α , this corresponds to an angle of $\alpha = 180$ degrees. The Examiner's attention is also referred to the first sentence of page 4 claiming other structure for the undulations in an "unbent pipe element". As in the previously mentioned recitation, the term "unbent" also refers to a pipe element which is straight, i.e. $\alpha = 180$ degrees. The Examiner's attention is also referred to Figure 1 and the associated discussion in the specification. Figure 1 clearly discloses a pipe element which is bent through a large angle, having a bending angle α of less than 90 degrees. Therefore, the disclosure clearly provides support for values of $\alpha = 180$ degrees and values of α which are less than 90 degrees. Moreover, the specification provides no indication that only these extreme

angle values are of interest to the invention as claimed. On the contrary, by way of example, the Examiner's attention is referred to the last paragraph of page 2 in which a plurality of bending angles are referred to and emphasis is made that the structure of the pipe element in accordance with the invention allows for large bending angles extending up to a maximal possible bending angle in which the undulations abut against each other.

Taken together, the above disclosure provides clear support for a range of bending angles in accordance with the invention, extending from values of $\alpha = 180$ degrees down to values below $\alpha = 90$ degrees. The restriction of α less than 140 degrees is therefore nothing else than a disclaimer of the range of α between 180 degrees and 140 degrees. This restricted range was necessitated by prior art, unknown to the Applicant at the time of invention. By restricting the α values to below 140 degrees the Applicant has not entered new matter but has merely avoided overlap with the disclosure of prior art.

To emphasize the fact that the bending angle α is not something which is dynamically achieved by a vibrating pipe, the applicant has clarified claims 1 and 25 to specify that the angle α is preset. The pipe element is therefore manufactured in bent form and, unlike the prior art of record, does not venture into the claimed range during use through randomly excited vibrations.

The Applicant believes this response to fully address the remaining issues in this case and respectfully requests reconsideration on the part of the Examiner with regard to the 35 USC 112 first paragraph rejection as well as passage to issuance.

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No new matter has been added in this amendment.

Respectfully submitted,

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